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schedule. The statement shall identify the proposed flight schedule by the schedule number assigned by the charter operator in accordance with paragraph (a) of this section. If there are any outstanding claims against the agreement, the charter operator and securer shall also state that they have executed a rider or amendment increasing the coverage by the amount of the claims, or that the securer will separately pay any claims for which it may be liable without impairing the agreement or reducing the amount of its coverage. These statements shall be in the form set out in appendix C to this part.

(3) If a depository agreement is used, a statement from the charter operator, the direct air carrier, and the depository bank: (i) That they have entered into a depository agreement covering the proposed flight schedule that complies with §380.34, and (ii) that the bank has received a copy of the proposed flight schedule by the schedule number assigned by the charter operator in accordance with paragraph (a)(1) of this section. This statement shall be in the form set out in appendix D to this part.

(b) Each of the statements described in paragraph (a) of this section shall also include the names and addresses of the parties to it, and the originals shall be signed by those parties.

(c) The prospectus may cover a series of charters performed by one charter operator if the departure of the last charter is not more than one year after the departure of the first.

(d) If the prospectus covers a series of charters and the air transportation will be performed by more than one direct air carrier, the prospectus shall include separate statements in accordance with paragraphs (a)(1) and (a)(3) of this section to cover the flights that will be performed by each direct carrier.

(Approved by the Office of Management and Budget under control number 3024-0029)

(Secs. 101(3), 204, 401, 402, 404, 407, 411, 416, and 1102 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, 757, 760, 766, 769, 771, 791; (49 U.S.C. 1301, 1324, 1371, 1372, 1374, 1377, 1381, 1386, and 1502; secs. 101(3), 204(a), 401, 402, and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 737, 743,

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754, 757, and 92 Stat. 1731; (49 U.S.C. 1301, 1324(a), 1371, 1372, and 1386))

[SPR-156, 44 FR 12979, Mar. 9, 1979, as amended by SPR-165, 44 FR 51209, Aug. 31, 1979; SPR-168, 45 FR 1856, Jan. 9, 1980; SPR-193, 48 FR 46265, Oct. 12, 1983; Docket No. 49385, 59 FR 61515, Nov. 30, 1994]

§ 380.29 Charter contract.

The charter contract between the charter operator or foreign charter operator and the direct air carrier shall evidence a binding commitment on the part of the carrier to furnish the air transportation required for the trip or trips covered by the contract.

§ 380.30 Solicitation materials.

(a) All solicitation materials for a public charter shall include the name of the charter operator and the name of the direct air carrier.

(b) Any solicitation material that states a price per passenger shall also include one of the following:

(1) A statement referring to the operator-participant contract for further information about conditions applicable to the charter; or

(2) The full text of the operator-participant contract.

(c) Except as set forth in §380.33a for operator's option plan contracts, if the charter prospectus names alternative dates or cities, any solicitation material that states a price per passenger shall also state that the actual dates or cities have not yet been selected, if that is the case.

(d) Any solicitation material that names a hotel but does not name every hotel named in the operator-participant contract shall also state that substitutions may be made.

(e) In any solicitation material from a direct air carrier, indirect air carrier, or an agent of either, for a charter, charter tour (i.e., a combination of air transportation and ground accommodations), or a charter tour component (e.g. a hotel stay), any price stated for such charter, tour, or component shall be the entire price to be paid by the participants to the air carrier, or agent, for such charter, tour, or component.

(Secs. 101(3), 204, 401, 402, 404, 407, 411, 416, and 1102 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, 757, 760, 766,

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769, 771, 791; 49 U.S.C. 1301, 1324, 1371, 1372, 1374, 1377, 1381, 1386, and 1502)

[SPR-156, 44 FR 12979, Mar. 9, 1979, as amended by SPR-195, 49 FR 49440, Dec. 20, 1984]

§ 380.31 General requirements for operator-participant contracts.

(a) No money shall be accepted by a charter operator from a prospective participant unless the participant has agreed to the conditions of the charter by signing an operator-participant contract, as described in § 380.32. If a member of a group that will travel together pays for the group, that member may sign the contract on behalf of the group.

(b) The contract form may include a space that participants may check to authorize the charter operator to retain their money while attempting to make other arrangements for them if there is no space available on the flight or on specific alternative flights they have requested.

(c) If there is no space available on the flight or specific alternative flights requested by the participant, the operator shall return all the participant's money within 7 days after receiving it unless the participant, in accordance with paragraph (b) of this section, has authorized the operator to retain the payments while the operator attempts to make other arrangements for the participant. If the operator retains the payments while attempting to make other arrangements for the participant, it shall notify the participant of the fact within 7 days after receiving the payments, but in no event later than the departure. For the purpose of the time periods in this paragraph, receipt of money by a travel agent on behalf of a charter operator will not be considered as receipt by the operator.

(d) Except as set forth in § 380.33a for operator's option plan contracts, the operator-participant contract shall not specify alternative dates for the outbound or return flights, or alternative origin or destination cities for any flight leg.

(e) The contract form shall be printed in 7-point or larger type. The statements required by paragraphs (a), (f), (h), (l), (r), (s), and (y) of § 380.32 shall be printed so as to contrast with the rest of the contract by the use of bold-

faced type, capital letters, or a type size that is at least 50 percent larger than that used for the rest of the contract.

(f) The contract form shall include a space that participants may check to indicate that they wish to be furnished details of trip cancellation, health, and accident insurance.

(g) The contract form shall be designed so as to enable participants to retain a copy of the general terms and conditions after signing it. The specific information supplied by participants (such as choices of dates, cities, or other options) need not be retainable.

(Secs. 101(3), 204, 401, 402, 404, 407, 411, 416, and 1102 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, 757, 760, 766, 769, 771, 791; 49 U.S.C. 1301, 1324, 1371, 1372, 1374, 1377, 1381, 1386, and 1502)

[SPR-156, 44 FR 12979, Mar. 9, 1979; 44 FR 23211, Apr. 19, 1979; as amended by SPR-168, 45 FR 1856, Jan. 9, 1980; Docket No. 49385, 59 FR 61515, Nov. 30, 1994]

§ 380.32 Specific requirements for operator-participant contracts.

Contracts between charter operators and charter participants shall state:

(a) The name and complete mailing address of the charter operator;

(b) The name of the direct air carrier, the dollar amounts of that carrier's liability limitations for participants' baggage, the type and capacity of the aircraft to be used for the flight, and the conditions governing aircraft-equipment substitutions;

(c) The dates of the outbound and return flights, except that alternative dates may be stated as set forth in § 380.33a for operator's option plan contracts;

(d) The origin and destination cities of each flight leg, except that alternative cities may be stated as set forth in § 380.33a for operator's option plan contracts;

(e) The amount and schedule of payments;

(f) If a depository agreement as provided in § 380.34(b) is used: That all checks and money orders must be made payable to the escrow account at the depository bank (identifying bank) or, when the charter is sold to the participant by a retail travel agent, checks